

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

EXXONMOBIL OIL CORPORATION,

Plaintiff,

V.

SUNG EEL CHANG AUTO INC.,

Defendant.

Honorable Madeline Cox Arleo

Civil Action No. 11-3525 (CCC)

REPORT AND RECOMMENDATION

THIS MATTER having come before the Court upon the motion of plaintiff, ExxonMobil Oil Corporation (“plaintiff”) to remand the pending action, (Dkt. No. 7), and to dismiss the counterclaims of defendant, Sung Eel Chang Auto Inc. (“defendant”), (Dkt. No. 9), upon notice to defendant, and the Court having considered the papers submitted in support of and in opposition to the remand motion and having heard the argument of the parties, and for the reasons set forth on the record on October 14, 2011, and for good cause shown;

IT IS on this 14th day of October, 2011,

RECOMMENDED THAT plaintiff's motion to remand this action to the Superior Court of New Jersey, Union County, Landlord Tenant Division, (Dkt. No. 7), be **GRANTED**; and it is further

RECOMMENDED THAT plaintiff's request for an award of attorney's fees, pursuant to 28 U.S.C. § 1447(c), be **DENIED**; and it is further

RECOMMENDED THAT plaintiff's motion to dismiss defendant's counterclaims, (Dkt. No. 9), be **DISMISSED WITHOUT PREJUDICE**, to be re-filed, if plaintiff so chooses, in state court.

The parties have fourteen (14) days from the date hereof to file objections.

s/Madeline Cox Arleo

MADELINE COX ARLEO

United States Magistrate Judge

cc: Hon. Claire C. Cecchi, U.S.D.J.
Clerk of the Court
All Parties
File